

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Hiroya KOBAYASHI, et al.	)	Confirmation No.: 9269
	)	
Application No.: 10/573,467	)	Group Art Unit: 2822
	)	
Filed: April 13, 2007	)	Examiner: Paul E. Patton
	)	
For: SEMICONDUCTOR DEVICE AND	)	
METHOD FOR MANUFACTURING	)	
THE SAME	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop AF**  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(d)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement ("IDS") is being filed after the events recited in § 1.97(c) but before the payment of the issue fee for the above-identified application. Under the provisions of 37 C.F.R. § 1.97(d), a fee of \$180.00, as specified by § 1.17(p) is attached hereto.

No item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the best of the undersigned's knowledge and recollection after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

A Japanese Office Action dated April 28, 2009 that issued in a related Japanese patent application and having documents cited therein is attached for the Examiner's consideration.

Except as discussed below, the cited documents are listed on the attached PTO Form 1449 and copies of the cited non-U.S. documents are also attached hereto.

While the Japanese Office Action dated April 28, 2009 additionally cites to Japanese Patent Application Laid-Open No. 2000-228573, Japanese Patent Application Laid-Open No. 2002-009265, Japanese Patent Application Laid-Open No. H6-196680 and Japanese Patent Application Laid-Open No. H6-029506, these documents are not listed on the attached PTO Form 1449 because they were previously cited in an IDS in this application on April 13, 2007, September 8, 2008 or October 7, 2008.

While the Japanese Office Action dated April 28, 2009 additionally cites to Japanese Patent Application Laid-Open No. 2004-214344, this document is not listed on the attached PTO Form 1449 because it is not believed to be material to the patentability of the instant application.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "Prior Art". If it should be determined that any of the listed documents do not constitute "Prior Art" under the United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should any of the documents be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.13(a) (3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

Dated: July 7, 2009

By: 

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